

Senate Bill No. 1375

Passed the Senate August 19, 2010

Secretary of the Senate

Passed the Assembly August 16, 2010

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2010, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 2883 of the Public Utilities Code, relating to telecommunications.

LEGISLATIVE COUNSEL'S DIGEST

SB 1375, Price. Telephone corporations: residential telephone service: "911" calls.

(1) Existing law requires all local telephone corporations, excluding providers of mobile telephony service and mobile satellite telephone service, to the extent permitted by existing technology or facilities, to provide every existing and newly installed residential telephone connection with access to "911" emergency service regardless of whether an account has been established.

This bill would instead require local telephone corporations to provide every subscriber of tariffed residential basic exchange service, rather than every existing and newly installed residential telephone connection, with access to "911" emergency service. The bill would require a local telephone corporation to provide "911" emergency services for at least 120 days after disconnection of residential basic exchange service for nonpayment, as provided. The bill would authorize a local telephone corporation to disconnect any line in existence on January 1, 2011, providing access to "911" emergency services with no customer account attached for that line, if notice of not less than 90 days prior to disconnection is provided to the last known address of record associated with that line that is being disconnected.

(2) Existing law requires telephone corporations to inform subscribers of the availability of "911" emergency service in a manner determined by the Public Utilities Commission.

This bill would delete that requirement and instead would require local telephone corporations, if they choose to terminate access to "911" emergency services after 120 days as provided above, to inform residential subscribers, as part of the notice of suspension or disconnection of service for nonpayment, of certain information, including options to avoid suspension or disconnection of service and the availability of "911" emergency service.

The people of the State of California do enact as follows:

SECTION 1. Section 2883 of the Public Utilities Code is amended to read:

2883. (a) (1) The Legislature finds and declares all of the following:

(A) As originally enacted, Section 2883 required local telephone corporations to provide a residential telephone connection with no customer account attached, also known as a warm line, access to “911” emergency service. This section took effect in 1995 when basic local exchange telephone service was provided exclusively by incumbent wireline providers operating within their franchise territories. Local exchange competition was nonexistent and wireless telephones were expensive and not in widespread use.

(B) At that time, the number of warm lines was very small. The practice of leaving warm lines in place continued the availability of “911” emergency service upon disconnection and permitted new residential service orders to be completed with minimum cost and delay.

(C) In recent years, the providers of warm line service have lost a significant percentage of their customer base to competitors. Today, the number of warm lines in California has increased in proportion to the loss of wireline customers. An estimated 2,000,000 warm lines exist today and that number continues to grow.

(D) Rather than being converted to new active service accounts, many warm lines remain in place indefinitely, even when customers switch to other voice carriers that provide “911” emergency service access. As warm lines age, deterioration can create shorts in these lines that trigger “911” calls, also known as phantom “911” calls because there is no person making the call.

(E) Responding to phantom “911” calls places a drain on public safety resources including increased costs for public safety responders. In addition, the state pays providers on a monthly basis, based on volume, to maintain number and location records in the state “911” database, including the records for increasing numbers of warm lines.

(F) The cost to local telephone companies to energize and maintain warm lines is the same as for active service accounts. Energy provided to warm lines at residences where access to “911”

emergency service is being obtained through a different provider is a waste of limited natural resources.

(2) It is the intent of the Legislature to amend Section 2883 in a manner that continues to provide a public safety net in a competitive telecommunications market, eliminates phantom “911” calls, conserves energy for productive uses, and limits costs to the state, local governments, and local telephone corporations.

(b) All local telephone corporations, excluding providers of mobile telephony service and mobile satellite telephone service, as defined in Section 224.4, to the extent permitted by existing technology or facilities, shall provide every subscriber of tariffed residential basic exchange service with access to “911” emergency service.

(c) A local telephone corporation shall provide access to services described in subdivision (b) for at least 120 days after disconnection of residential basic exchange service for nonpayment of any delinquent account or indebtedness owed by the subscriber to the telephone corporation. A subscriber and a telephone corporation may arrange payment schedules to regain full service.

(d) If a local telephone corporation chooses to terminate access to the services described in subdivision (b) after 120 days as authorized in subdivision (c), the local telephone corporation shall inform residential subscribers as part of the notice of suspension or disconnection of service for nonpayment of all of the following information:

(1) The availability of the “911” emergency service described in subdivision (b) for 120 days after disconnection of residential basic exchange service.

(2) Options that may be available to avoid suspension or disconnection of service.

(3) Other options that may be available for obtaining access to “911” emergency service consistent with a customer education program, if adopted by the commission.

(e) This section shall not be construed to relieve any person of an obligation to pay a debt owed to a telephone corporation.

(f) This section shall not require a local telephone corporation to provide “911” access pursuant to this section if doing so would preclude providing service to subscribers of residential telephone service.

(g) A local telephone corporation may disconnect any line in existence on January 1, 2011, providing access to “911” emergency services with no customer account attached for that line, if notice of not less than 90 days prior to disconnection is provided to the last known address of record associated with that line that is being disconnected. The notice shall provide information about all of the following:

(1) “911” emergency service is provided to customers who purchase voice telephone service.

(2) Access to “911” emergency services may have been provided to the address, to the extent permitted by existing technology or facilities, but will be discontinued as provided in this section.

(3) A contact number for further information, including information about low cost options, including the Universal Lifeline Telephone Service (ULTS) program.

(4) Contact information for the commission.

(h) A local telephone corporation shall not be required to terminate access to any line providing access to “911” emergency services with no customer account attached for that line.

Approved _____, 2010

Governor